IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5268 OF 2005

Dnyaneshwar Kundlik Jadhav ... Petitioner

Versus

Inspector General/SWS,CISF & Ors. ... Respondents

Mr. A.R. Pitale for Petitioner.

Mr. P.S. Jaitley with Mrs. Aruna Kamat i/by S.S. Sarkar for Respondent Nos. 1 to 4.

CORAM : F.I. REBELLO &
MRS R.S. DALVI**.JJ.**
DATED : DECEMBER 12, 2005

P.C.

. The Petitioner was chargesheeted for over staying beyond the medical leave sanctioned for the period of 434 days continuously. An enquiry was conducted. Notice was given to the Petitioner. Petitioner chose not to appear. Final show cause notice was received by the Petitioner. He replied to the same. Considering the material on record, the Enquiry Officer found the Petitioner guilty of the charges as levelled. The Disciplinary Authority after show notice notice imposed punishment of removal from service.

. The Petitioner aggrieved preferred an appeal before the Appellate Authority. The appellate authority de novo considered both the procedural and substantial aspects and recorded a finding that the Petitioner continued to over stay the medical rest with effect from 29.4.2003. The pleas raised by the Petitioner were rejected on the ground that they are not supported by documentary evidence. The revision which was preferred was also dismissed by order dated 19.3.2003. Here again the Revisional Authority has considered various contentions as raised by the Petitioner.

. On behalf of the Petitioner, the learned counsel submits that he was precluded from placing on record the documentary evidence showing his illness. We have gone through the record. We do not find that there is any error committed by the Authorities below in recording the finding that the Petitioner over stayed his leave. On the contrary medical record even does not show that the Petitioner was asked to remain away from the duty. The mere fact that the after operation petitioner

was asked to be given lighter duties has been explained in the reply by Mr. B.N. Bhattacharya, Senior Commandant, CISF Unit to point out that in the CISF duties are similar. Even assuming that the respondents could have given Petitioner, lighter duties, the fact remains that the Petitioner could not have remained absent indefinitely without supporting the medical evidence. The Petitioner belongs to CISF. In the light of that, we do not find any error in the impugned orders. Hence, petition rejected.

(F.I. REBELLO,J.)

(MRS. R.S. DALVI,J.)